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09/771,547	01/30/2001	Toshiyuki Sato	D-1059	8819

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HAUPTMAN KANESAKA BERNER PATNET AGENTS, LLP
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Suite 310
Alexandria, VA 22314

EXAMINER

AGGARWAL, YOGESH K

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIYUKI SATO
and
SATOSHI TOKUDA

Application No. 09/771,547
Technology Center 2600

Mailed: January 5, 2010

Before PAMELA S. BENNETT, *Paralegal Specialist*.
BENNETT, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 28, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on December 22, 2009.¹ There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and § 1208, part II, of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 7, July 2008).

CONCLUSION

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) to consider the Reply Brief filed December 22, 2009, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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¹ It is noted that the filing of the Reply Brief has not been listed on the PALM Content Information page. Correction is required.